

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA )  
 )  
v. ) CR NO. 2:06CR217-WKW  
 )  
KENNETH GUNN )

**ORDER**

On January 3, 2007, KENNETH GUNN, appeared before the court for a hearing on the petition for offender on pretrial release. The petition stated that the defendant was believed to have violated Release Condition 7(p): "The defendant shall refrain from any use or unlawful possession of narcotic drug and other controlled substances...." Specifically it states that defendant on December 22, 2006, admitted to having used cocaine on or about December 19, 2006, and signed an admission form stating the same.

The court heard a proffer from the government, and based upon the proffer, the defendant's admission, and the fact that the defendant has been evasive about his drug use with the U. S. Probation Officer, this Magistrate Judge finds that the defendant has violated the terms of release and has committed the act charged in the petition. It is therefore,

ORDERED that the defendant is remanded to the custody of the U. S. Marshal until further orders of this court.

DONE this 3rd day of January, 2007.

/s/ Wallace Capel, Jr.  
WALLACE CAPEL, JR.  
UNITED STATES MAGISTRATE JUDGE